

**R590. Insurance, Administration.** (Effective 11-17-2011)

**R590-195. Car Rental Related Licensing Rule.**

**R590-195-1. Authority.**

This rule is promulgated pursuant to:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to adopt rules to implement the provisions of the Utah Insurance Code;

(2) Subsection 31A-23a-106(2)(b) that authorizes car rental related insurance as a limited line of authority of a limited line producer license type;

(3) Subsection 31A-23a-110(1) that authorizes the commissioner to prescribe the form in which licenses covered under Chapter 23a are to be issued; and

(4) Subsection 31A-23a-111(10) that authorizes the commissioner to prescribe by rule the license renewal and reinstatement procedures for licenses covered under Chapter 23a.

**R590-195-2. Purpose and Scope.**

(1) The purpose of this rule is to establish uniform criteria and procedures for the initial and renewal licensing of car rental related insurance limited line producer individuals and agencies, and to set standards of licensing and conduct for those in the car rental related insurance business in the State of Utah.

(2) This rule applies to all individuals and entities engaged in the issuance of car rental related insurance contracts or policies.

**R590-195-3. Definitions.**

For the purpose of this rule the commissioner adopts the definitions as set forth in Sections 31A-1-301, 31A-23a-102, and the following:

(1) "Car rental related insurance" means any contract of insurance issued as a part of an agreement of rental of passenger automobiles and trucks to a gross vehicle weight of 45,000 pounds, for a period of 30 days or less; and

(2) "Car rental related license" means a limited line producer license type with a car rental related insurance limited line of authority.

**R590-195-4. Agency License and Renewal.**

(1) A car rental related license is issued for a two year license period and requires no examination or continuing education.

(2) A car rental related license~~s~~ must be renewed at the end of the two year licensing period in accordance with Chapter 23a of Title 31A and any applicable department rule~~s~~ regarding license renewal.

(3) Licensing is applicable to an individual or entity involved in the soliciting, quoting, marketing, or issuing of car rental related insurance and must be licensed in accordance with Chapter 23a of Title 31A and applicable department rules regarding individual and agency licensing.

(a) A car rental related license may be held by:

(i) an individual; or

(ii) an entity.

(b) An individual licensed under this rule must be:

(i) appointed by an insurer underwriting a car rental related insurance policy that the individual sells; or  
(ii) designated to act by an agency licensed under this rule.  
(c) An agency licensed under this rule must:  
(i) be appointed by an insurer underwriting a car rental related insurance policy that the agency sells; and:  
(ii) have a designated responsible licensed individual at each location at which the agency is soliciting, quoting, marketing or selling car rental related insurance.  
(4) An agency licensed under the terms of this rule may employ a non-licensed individual employed as a rental counter sales representative in soliciting, quoting, marketing or selling car rental related insurance. Such non-licensed individual must be:  
(i) trained and supervised in the sale of car rental related insurance products; and  
(ii) responsible to a licensed individual designated by the agency at each location where a car rental related insurance product is sold.

**R590-195-5. Penalties.**

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

**R590-195-6. Enforcement Date.**

The commissioner will begin enforcing this rule on the effective date of the rule.

**R590-195-7. Severability.**

If any provision or clause of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: insurance licensing**

**Date of Enactment or Last Substantive Amendment: 11-17-2011**

**Notice of Continuation: March 11, 2009**

**Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-106; 31A-23a-110; 31A-23a-111**